



Insurance Department

State of Utah

GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor
TODD E. KISER
Acting Commissioner

State of Utah Title and Escrow Commission Meeting Meeting Information

Date: April 8, 2013

Time: 9:00 AM

Place: East Bldg, Spruce Room

MEMBERS

(Attendees=x)

COMMISSION MEMBERS

xChair, Larry Turner Blake, *Washington Cnty*

xJerry M. Houghton, *Tooele Cnty*

xCo-Chair, Kirk Donald Smith, *Weber Cnty*

Dirk Keyes, *Public Member*

xCortlund G. Ashton, *Salt Lake Cnty*

DEPARTMENT STAFF

xPerri Babalis, *AG Counsel*

Brett Barratt, *Deputy Comm.*

xMark Kleinfeld, *ALJ*

Suzette Green-Wright, *MC Dir.*

xTammy Greening, *Examiner*

xJilene Whitby, *PIO Recorder*

xCarl Meek, *IT*

Public

Pete Stevens

David Moore

Carol Yamamoto

Lincoln Scoffield

Mike Smith

James Seaman

Taz Biesinger

Jeff Wiener

MINUTES

General Session: (Open to the Public)

- **Welcome / Larry Blake, Chair:** Began meeting at 9:05am.
- **Adopt Minutes of Previous Meeting**
Motion to approve by Cort, seconded by Jerry with a unanimous vote.
- **Reports**
 - **Concur with Licensee Report / Tammy**
Motion to concur by Jerry, seconded by Kirk with a unanimous vote.
 - **Concur with Complaint & Enforcement Reports / Tammy**
Motion to concur by Kirk, seconded by Cort with a unanimous vote.
 - **Request for Dual Licensee Expedited Request:** None
 - **Request for Attorney Exemption:** None
- **Administrative Proceedings Action / ALJ**
 - **Stipulation & Orders:**
 - **Merie Egan, ECase 3270, and Wasatch Title Ins. Agency LLC, ECase 3267**
Merie Egan is associated with Wasatch Title. Both licenses had lapsed. Merie's lapsed June 30, 2012 and was reinstated October 11, 2012. Wasatch Title's license lapsed in September and was reinstated in October. During this time 49 closings were done, 31 of which Miss Egan was involved. A forfeiture of \$4,500 was proposed for Wasatch Title and \$1,500 for Egan. **Motion** by Cort to approve, seconded by Jerry with a unanimous vote.
 - **National Title Agency, LLC: ECase 3269**
National failed to renew their license August 31, 2012. On October 17, 2012 they reinstated it. During the lapsed period 121 closings and searches were finalized. A forfeiture of \$7,500 and 24 month probation was proposed. **Motion** by Jerry to approve, seconded by Cort with a unanimous vote.

Imposition of the penalty will be made by the Commission and then go to the commissioner for concurrence. Cort suggested Perri contact Representative Webb for the purpose of this change.

○ **Status of H.B. 47 – Reminder – Effective Date 5-14-2013.**

Larry asked Tammy if the definition of escrow in HB 47 would provide her with the needed backup to regulate escrow. She said she would read the bill to see.

○ **Streamlined or Centralized Rate Discussion / Cort**

The Colorado Division of Insurance evaluated centralized rates as used there. Non-national insurers were not allowed to use these rates, which are lower, thus putting them and their customers at a disadvantage. The commissioner decided centralized rates could not be used at all. Utah has similar rate filings. Cort suggests they ask the Department about our rate structures and see if we may have the same issues as in Colorado. Larry asked if rates had come about as a result of the CFPB. Cort did not know. Kirk said centralized rates are being used by some local lenders and banks as well. Cort said it created a disadvantage. Keep on agenda. See what department's position is on this.

○ **Replacement Process for Openings on Commission**

Attendees were made aware of the Special Notice about openings in the Commission. The notice is on the Commission's website. The Governor's office of Boards and Commissions has asked that we comply now with the new requirements in 31A-2-403(1) of HB 47 regarding the makeup of the Commission. It requires two members be employees of a title insurer.

● **Other Business**

○ **Larry said** lenders were requesting disbursement schedules and copies of cancelled checks. This is a problem because we have split closings. David said closing statements are being changed after they have been signed. This practice can involve fraud. Put on next month's agenda.

○ **Larry** Some lenders want total access to all our records, post-closing. This is a privacy issue. Put on agenda.

Executive Session (Closed to Public)

General Session: (Open to the Public)

- **Adjourn:** Cort motion to dismiss 10:08
- **Next Meeting:** May 11, Spruce Room

2013 Meeting Schedule in Spruce Room

(2nd Monday except holidays, then 3rd Monday)

Jan 14	Feb 11	Mar 11	Apr 8	May 13	June 10
July 8	Aug 12	Sep 9	Oct 21	Nov 18	Dec 9